

12-CV-01300-CERT

**UNITED STATES DISTRICT COURT  
WASHINGTON WESTERN DISTRICT**

Case Number: 2:12-cv-01300-RSM

JON CUDDEBACK,

Plaintiff,

vs.

EMC MORTGAGE CORPORATION., et al,

Defendants.

FILED ENTERED  
LODGED RECEIVED

DEC 05 2012

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

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**AFFIDAVIT OF FAILURE TO PLEAD OR OTHERWISE DEFEND IN  
SUPPORT OF MOTION FOR ENTRY OF DEFAULT**

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I, Jon Cuddeback am the Plaintiff in the above-referenced matter and have personal knowledge of the facts set forth in this matter.

1. Plaintiff, Jon Cuddeback filed his Complaint in this case on August 16, 2012.
2. Examination of the Court files and records in this case shows that the Defendant, EMC MORTGAGE CORPORATION was personally served on August 8, 2012.
3. Examination of the Court files and records in this case shows that the Defendant, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) was personally served on August 9, 2012.
4. Examination of the Court files and records in this case shows that the Defendant, WELLS FARGO BANK, N.A. was personally served on August 14, 2012.
5. Examination of the Court files and records in this case shows that the

Defendant, BEAR STEARNS MORTGAGE FUNDING TRUST 2006-AR5 was personally served on September 17, 2012.

6. Examination of the Court files and records in this case shows that the Defendant, STRUCTURED ASSET MORTGAGE INVESTMENT II, INC. was personally served on August 21, 2012.

7. Examination of the Court files and records in this case shows that the Defendant, BEAR STEARNS RESIDENTIAL MORTGAGE CORP. was personally on served August 17, 2012.

8. More than 21 days has elapsed since the date of personal service of said Defendants. In addition, it has been more than 35 days since this court ordered this case reopened which has provided Defendants sufficient time to file an Answer.

9. Defendants have failed to answer or otherwise plead as to the Plaintiff's Complaint.

10. This Affidavit is executed by affiant herein in accordance with Fed. R. Civ. P. 55(a) for the purpose of enabling the Clerk to enter the default of Defendants EMC MORTGAGE CORPORATION, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), WELLS FARGO BANK, N.A., BEAR STEARNS MORTGAGE FUNDING TRUST 2006-AR5, STRUCTURED ASSET MORTGAGE INVESTMENT II, INC., and BEAR STEARNS RESIDENTIAL MORTGAGE CORP., for failure to answer or otherwise defend this action.

Respectfully submitted,

Jon Cuddeback  
3246 W. Lk Samm Pkwy NE  
Redmond, WA 98052  
(206) 909-6998

Dated: 12-5-2012

By:   
JON CUDDEBACK

**CERTIFICATE OF SERVICE**

I certify that on 12-5-2012, Plaintiff caused to be served copies of the attached document by e-mail, or first class mail, postage prepaid as follows:

Addressee(s):

**Fred B Burnside**  
**Ryan C Gist**  
Davis Wright Tremaine (Sea)  
1201 Third Avenue Ste 2200  
Seattle, WA 98101-3045